discovery filed against a corporation. The court, distinguishing an individual from a corporation, held that the latter has no right to refuse to submit its books and papers for an examination at the suit of the state, because being a creature of the state, the state has a reserved right to demand their production. In other words, that in a grand jury investigation a corporation is not under any circumstances entitled to the privilege against self-incrimination. The reasoning of the court would not apply to a suit brought by an individual or another corporation. The privilege has been there allowed. *Logan* v. *Pa. R. R. Co.* (1890) 132 Pa. St. 403. The court also held that a corporation is entitled to the protection of the fourth amendment against unreasonable searches and seizures, saying that an association of individuals in organizing as a corporation waives "no constitutional immunities appropriate to such body." The decision comes down to this—the court felt that the immunity against unreasonable searches and seizures is appropriate to a corporation and that the privilege against self-incrimination is not. Doubtless the part of the decision in regard to the fourth amendment will meet with almost universal approbation, whereas the part in regard to the fifth amendment will find much adverse criticism. The question is an economic rather than legal one, and it is of but slight assistance to point out the constitutional rights to which the courts have in the past declared that corporations are entitled. The court reflects the rising popular feeling against corporations which violate the law and then endeavor to hide behind constitutional safeguards. The way in which the Supreme Court now responds to present needs in limiting the privilege is strikingly similar to the way in which the English courts also in response to public necessities originated the privilege in the 17th century.

JURISDICTION OF EQUITY OVER ACTS OF THE POLICE.—It is recognized as a general principle that equity will not interfere to prevent the enforcement of the criminal law, lest the supervision over a very considerable part of the criminal laws be withdrawn from the courts of law, where it properly belongs. *Davis & Farnum Mfg. Co.* v. *Los Angeles* (1902) 115 Fed. 537. Thus it refuses to enjoin a threatened arrest, *Davis* v. *A. S. P. C. A.* (1878) 75 N. Y. 362, see *Wood* v. *City of Brooklyn* (1852) 14 Barb. 424, or to try whether certain acts constitute a crime, *Kramer* v. *Police Dept.* (N. Y. 1886) 21 Jones & Spencer 492, or to stay criminal proceedings unless instituted by a party to a suit pending and designed to try the right already in issue. *In re Sawyer* (1887) 124 U. S. 200. An injunction will be granted to prevent the threatened invasion of property rights by the enforcement of an unconstitutional law, *Camden I. R. R.* v. *Catlettsburg* (1904) 129 Fed. 421, or a void ordinance. *Traction Co.* v. *Westervliet* (1901) 71 N. Y. Supp. 977; *Sylvester Coal Co.* v. *St. Louis* (1895) 130 Mo. 323, contra *Paulk* v. *Mayor* (1898) 104 Ga. 24; *Burnett* v. *Craig* (1857) 30 Ala. 135. See on general subject 2 COLUMBIA LAW REVIEW 550.

A recent case in the New York Court of Appeals has involved

these principles in considering the powers of the police under § 315 of the New York City charter and § 37 of the Liquor Tax Law, c. 29, Gen. Laws of New York. The defendant, a police captain, suspecting the plaintiff, the owner of the place having a liquor license, of maintaining a disorderly house, placed officers outside who informed all within or about to enter, of its suspected character and that it was liable to be raided and those within arrested at any time. The plaintiff sought to enjoin the acts of the officers, but the court refused to interfere on the ground that it would be preventing the inforcement of the criminal law. *Flood* v. *Delaney* (1906) 183 N. Y. 323. In view of the series of decisions by the lower courts of New York restricting the exercise by the police of powers not conferred upon them by law in the prevention or suppression of crime, this case is very significant and far reaching. Thus it has been held in interpreting the loose language of the statutes in question that the inspection of licensed places charged upon the police, refers only to a peaceable entrance where no warrant is obtained. *Phelps* v. *McAdoo* (1905) 94 N. Y. Supp. 265. In the case of a private house suspected to be disorderly, the police cannot enter and inspect at pleasure, but must confine their operations to the outside. *People* v. *Glennon* (1905) 175 N. Y. 45. In neither case would it seem that any right of occupancy was conferred. *Hale* v. *Burns* (1905) 91 N. Y. Supp. 929. The attitude of these prior cases has been to hold that while the police were under the duty of suppressing crime, the enforcement of the duty was bounded by the methods prescribed in the Penal Code and acts of the police very similiar to those complained of in the present case were held improper and illegal. *Hertz* v. *McDermott* (1904) 90 N. Y. Supp. 803. 5 COLUMBIA LAW REVIEW 401, 611.

In the opinion of Werner, J., the fact that the plaintiff here was engaged in the sale of intoxicating liquors was "pivotal," and such business was properly hedged about by special conditions and restraints. But the question, irrespective of the plaintiff's probable guilt or innocence, would rather seem to be whether or not the police were acting within the law in exercising an arbitrary discretion in their method of suppressing crime. "The plaintiff here makes no attempt to enjoin an arrest, but merely to enjoin what he alleges to be illegal acts of an oppressive character. Nor does he seek to restrain a police official from performing duties imposed upon him by law. Indeed his sole object is to keep the official within his legal duties, that is, to prevent the defendant from going outside the law to injure and oppress him." Barnett, J., in *Weiss* v. *Herlihy* (1897) 23 App. Div. 617. The doctrine of the principal case would seem practically to grant police officers immunity from ever being restrained when they allege bona fide suspicion as a basis for their action. That this opens the door to intolerable oppression and irreparable injury is patent and the fact that the plaintiff may invoke § 556 of the Penal Code if he has been oppressed and injured by the defendants' unlawful act or that he may have an action at law for damages is entirely beside the point.